

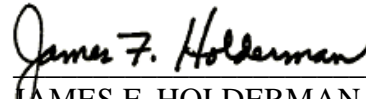
FRANK W. WHITE,)
)
Plaintiff,)
)
v.)
) No. 12 C 5176
JAMES POLCYN, OWCP District Director,)
ANTONIA A. RIOS, OWCP District Director,)
HILDA L. SOLIS, Secretary of Labor,)
)
Defendants.)
)

White also contends that his constitutional claim for procedural due process is not barred by the two year statute of limitations because the violation “continue[d] through 2011.” (Dkt. No.

42.) But White does not indicate any grounds for his contention that the violation continued through 2011. Indeed, White's complaint challenges only administrative actions by the Department of Labor in the 1980s and 1990s, long before 2011. White's complaint does allege that one procedural failing of the Department of Labor was its failure to notify White of an October 10, 1991, decision "between October 10, 1991 and April 23, 2012." An ongoing failure to notify does not, however, constitute an ongoing violation extending the limitations period. *Cf. McDonald v. White*, 465 F. App'x 544, 548 (7th Cir. 2012) ("[T]he state court's ongoing failure to notify McDonald of the County's retention of the money is not a 'fresh act' each day, as he contends, but instead 'merely a lingering effect of an earlier, distinct, violation.'" (quoting *Pitts v. City of Kankakee, Ill.*, 267 F.3d 592, 595 (7th Cir. 2001))).

The court sees no reason to reconsider its dismissal of White's complaint.

ENTER:

A handwritten signature in black ink that reads "James F. Holderman". The signature is written in a cursive, flowing style.

JAMES F. HOLDERMAN
Chief Judge, United States District Court

Date: February 20, 2013